

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

PATRICIA ANN STILLWELL

Plaintiff,

Case No. 6:05-cv-314-ORL-KRS

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

JOSH B. EDWARDS

Plaintiff,

Case No. 6:05-cv-351-ORL-KRS

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CATHERINE SMITH

Plaintiff,

Case No. 6:05-cv-402-ORL-KRS

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

MICHAEL MILLS

Plaintiff,

Case No. 6:05-cv-432-ORL-KRS

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER OF DISMISSAL

This cause comes before the Court on its own initiative. On August 29, 2005, I ordered Juan C. Gautier, Esq., to show cause in writing why the above-captioned cases should not be dismissed for failure of prosecution. *See Stillwell v. Comm'r of Social Security*, 6:05-cv-314-ORL-KRS (doc. no. 16).¹ The Show Cause Orders were based on counsel's failure to file memoranda of law in these cases pursuant to the deadlines set forth in the Scheduling Orders entered in each case. *See id.* (doc. no. 13); *Edwards v. Comm'r of Social Security*, 6:05-cv-351-ORL-KRS (doc. no. 12); *Smith v. Comm'r of Social Security*, 6:05-cv-402-ORL-KRS (doc. no. 12); *Mills v. Comm'r of Social Security*, 6:05-cv-432-ORL-KRS (doc. no. 11).² As of the writing of this Order, Mr. Gautier has not filed memoranda of law in any of the above-captioned cases.

Mr. Gautier failed to respond to the Show Cause Orders and the time for doing so has passed. There is nothing in the record of these cases to suggest that Mr. Gautier is unable to respond to my Orders. In fact, Mr. Gautier continues to file new cases in this Court. *See Melendez v. Comm'r of the Social Security Administration*, 6:05-cv-1296-ORL-31KRS (doc. no. 1) (complaint filed 09/06/05).

¹ A Show Cause Order was entered in each case.

² This is not the first time Mr. Gautier has been admonished by this Court for his failure to abide by deadlines set forth in court orders. *See Baraglia v. Comm'r of Social Security*, 6:03-cv-762-ORL-KRS (doc. no. 11); *Horton v. Comm'r of Social Security*, 6:03-cv-80-ORL-KRS (doc. no. 24); *Dent v. Comm'r of Social Security*, 6:02-cv-1305-ORL-KRS (doc. no. 25). In addition, on June 8, 2005, I held a joint hearing with the Honorable David A. Baker, United States Magistrate Judge, in the following cases: *Thomas v. Comm'r of Social Security*, 6:04-cv-1706-ORL-DAB (doc. no. 23); *Negron v. Comm'r of Social Security*, 6:04-cv-1831-ORL-DAB (doc. no. 21), *Brown v. Comm'r of Social Security*, 6:04-cv-1857-ORL-DAB (doc. no. 19); *Herring v. Comm'r of Social Security Administration*, 6:04-cv-1524-ORL-KRS (doc. no. 28). At this hearing, Mr. Gautier was specifically admonished for his failure to comply with deadlines set by this Court. Indeed, Mr. Gautier has a long history of dilatory and recalcitrant conduct before this Court.

Given Mr. Gautier's repeated failure to abide by Scheduling Orders entered by this Court, and having provided Mr. Gautier with ample opportunity to file the required memoranda in the cases currently under consideration, I find that dismissal of the above-captioned cases for failure to prosecute is warranted. *See* Middle District of Florida Local Rule 3.10; Fed. R. Civ. P. 16(f) & 37(b)(2)(C).

Accordingly, the above-captioned cases are hereby dismissed for failure to prosecute. The Clerk of Court is directed to close the file in each case.

DONE and **ORDERED** in Orlando, Florida this 8th day of September, 2005.

Karla R. Spaulding

KARLA R. SPAULDING
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties